

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 84 be amended to read as follows:

- 1 Page 3, line 7, after "development" insert "**and unemployment**
- 2 **insurance**".
- 3 Page 31, between lines 31 and 32, begin a new paragraph and insert:
- 4 "SECTION 43. IC 22-4-2-40 IS ADDED TO THE INDIANA CODE
- 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6 1 2009]: **Sec. 40. As used in this article, "drug test" means testing**
- 7 **of an individual that contains at least a five (5) drug panel that tests**
- 8 **for the following:**
- 9 (1) **Amphetamines.**
- 10 (2) **Cocaine.**
- 11 (3) **Opiates (2000 ng/ml).**
- 12 (4) **PCP.**
- 13 (5) **THC."**
- 14 Page 36, between lines 20 and 21, begin a new paragraph and insert:
- 15 "SECTION 48. IC 22-4-15-9 IS ADDED TO THE INDIANA CODE
- 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 17 1 2009]: **Sec. 9. (a) Notwithstanding any other provisions of this**
- 18 **article, an individual who is otherwise eligible for benefits is**
- 19 **disqualified for benefits if the individual:**
- 20 (1) **is found to have tested positive for drugs in the system of**
- 21 **the individual after a drug test is given by a prospective**
- 22 **employer; or**
- 23 (2) **refuses to submit to a drug test;**
- 24 **as a prerequisite to an offer of employment by the employer.**

(b) A prospective employer that:

- (1) receives a report of a positive drug test that has been given by or on behalf of the prospective employer; or**
- (2) is aware that a prospective employee has refused to submit to a drug test that would be given by or on behalf of the employer;**

shall immediately report the information in subdivision (1) or (2) to the department.

(c) An individual who is disqualified for benefits under subsection (a) may resume eligibility for benefits upon submission of a negative drug test to the department.

(d) The department shall adopt rules under IC 4-22-2 in accordance with IC 22-4-19-2 and IC 22-4-37-1 to effectuate this section to the extent authorized by federal law. The rules may include, but are not limited to:

- (1) the period of ineligibility for benefits between the time that the drug test is given and the positive result is reported to the department;**
- (2) the manner in which a subsequent negative drug test may be submitted to the department after a positive drug test has been reported;**
- (3) any penalty against an employer that does not report the information in subsection (b), if other than that provided for in IC 22-4-34-4;**
- (4) the manner by which a report of a false positive drug test may be appealed to the department; and**
- (5) the manner by which improper payments to an individual who has been disqualified under subsection (a) must be repaid to the department, as required by IC 22-4-13-1(b)."**

Page 39, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 50. IC 22-4-17-2.5, AS AMENDED BY P.L.3-2008, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) When an individual files an initial claim, the individual shall be advised of the following:

- (1) Unemployment compensation is subject to federal, state, and local income taxes.**
- (2) Requirements exist concerning estimated tax payments.**
- (3) ~~After December 31, 1996,~~ The individual may elect to have income taxes withheld from the individual's payment of unemployment compensation. If an election is made, the department shall withhold federal income tax at the applicable rate provided in the Internal Revenue Code.**
- (4) An individual is allowed to change an election made under this section.**

(b) Money withheld from unemployment compensation under this section shall remain in the unemployment fund until transferred to the federal taxing authority for payment of income taxes.

1 (c) The commissioner shall follow all procedures of the United
2 States Department of Labor and the Internal Revenue Service
3 concerning the withholding of income taxes.

4 (d) Money shall be deducted and withheld in accordance with the
5 priorities established in regulations developed by the commissioner.

6 **(e) In addition to the information contained in subsection (a),**
7 **the individual filing an initial claim shall be advised that the**
8 **individual is disqualified for benefits if the individual:**

9 **(1) is found to have a positive drug test after a drug test is**
10 **given by a prospective employer; or**

11 **(2) refuses to submit to a drug test;**
12 **as a prerequisite to an offer of employment by the employer, as**
13 **provided in IC 22-4-15-9."**

14 Page 60, line 19, after "development" insert "**and unemployment**
15 **insurance**".

16 Renumber all SECTIONS consecutively.

(Reference is to ESB 84 as printed April 10, 2009.)

Representative Leonard